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iBAHN CORPORATION

18 NOMADIX, INC.,
19 Plaintiff.

Case No. CV-09-08441 DDP (VBKx)

IBAHN CORPORATION'S ANSWER TO NOMADIX, INC.'S COUNTERCLAIMS

Judge: Hon. Dean D. Pregerson

Defendants.

24 || AND RELATED COUNTERCLAIMS

1 **iBAHN CORPORATION'S ANSWER TO NOMADIX, INC.'S**
2 **COUNTERCLAIMS**
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4 Defendant-Counterclaimant iBAHN Corporation ("iBAHN") hereby
5 submits its Answer to the counterclaims (Docket No. 185) of Plaintiff-Counter-
6 defendant Nomadix, Inc. ("Nomadix") as follows:

7 **JURISDICTION AND VENUE**

8 1. iBAHN admits that Nomadix purports to bring this claim
9 under the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202 and
10 that this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331,
11 1338(a), and 1367(a). iBAHN, however, denies the merits of the claims
12 asserted against it.

13 2. For the purposes of this action, iBAHN admits that the Court
14 has personal jurisdiction over it.

15 3. iBAHN admits that venue is proper in this district as to
16 iBAHN, but denies having committed any wrongful acts upon which venue
17 allegedly is based.

18 **PARTIES**

19 4. iBAHN lacks knowledge or information sufficient to form a
20 belief about the truth of the allegation of paragraph 4.

21 5. iBAHN Corporation admits it is a corporation organized under
22 the laws of the state of Delaware with its principal place of business at 10757 S.
23 River Front Parkway, Suite 300, Salt Lake City, Utah 84095.

24 **FIRST CLAIM FOR RELIEF:**

25 **DECLARATORY JUDGMENT OF NONINFRINGEMENT**

26 **U.S. PATENT NO. 6,934,754**

27 6. iBAHN repeats and incorporates by reference its responses to
28 the allegations in paragraphs 1 through 5.

1 7. iBAHN admits the allegation in paragraph 7 of Nomadix'
2 Counterclaims.

3 8. iBAHN admits there is an immediate, real, and justiciable
4 controversy between iBAHN and Nomadix regarding U.S. Patent No. 6,934,754
5 ("the '754 patent"). To the extent paragraph 8 contains any other allegations,
6 iBAHN denies the merits of the allegations.

7 9. iBAHN denies all of the allegations in paragraph 9 of Nomadix'
8 Counterclaims.

9 10. iBAHN admits that Nomadix requests a declaratory judgment
10 that Nomadix does not infringe one or more claims of the '754 patent, but iBAHN
11 denies that Nomadix is entitled to such a request. To the extent that paragraph 10
12 contains any other allegations, iBAHN denies the merits of the allegations.

13 **SECOND CLAIM FOR RELIEF:**
14 **DECLARATORY JUDGMENT OF INVALIDITY OF**
15 **U.S. PATENT NO. 6,934,754**

16 11. iBAHN repeats and incorporates by reference its responses to
17 the allegations in paragraphs 1 through 10.

18 12. iBAHN admits there is an immediate, real, and justiciable
19 controversy between iBAHN and Nomadix regarding the '754 patent. To the extent
20 paragraph 12 contains any other allegations, iBAHN denies the merits of the
21 allegations.

22 13. iBAHN denies all of the allegations in paragraph 13 of
23 Nomadix' Counterclaims.

24 14. iBAHN admits that Nomadix requests a declaratory judgment
25 that one or more claims of the '754 patent are invalid, but iBAHN denies that
26 Nomadix is entitled to such a request. To the extent that paragraph 14 contains any
27 other allegations, iBAHN denies the merits of the allegations.

THIRD CLAIM FOR RELIEF:
DECLARATORY JUDGMENT OF NONINFRINGEMENT OF
U.S. PATENT NO. 6,996,073

15. iBAHN repeats and incorporates by reference its responses to the allegations in paragraphs 1 through 14.

16. iBAHN admits the allegation in paragraph 16 of Nomadix' Counterclaims.

17. iBAHN admits there is an immediate, real, and justiciable controversy between iBAHN and Nomadix regarding U.S. Patent No. 6,996,073 (“the ’073 patent”). To the extent paragraph 17 contains any other allegations, iBAHN denies the merits of the allegations.

18. iBAHN denies all of the allegations in paragraph 18 of Nomadix' Counterclaims.

19. iBAHN admits that Nomadix requests a declaratory judgment that Nomadix does not infringe one or more claims of the '073 patent, but iBAHN denies that Nomadix is entitled to such a request. To the extent that paragraph 19 contains any other allegations, iBAHN denies the merits of the allegations..

FOURTH CLAIM FOR RELIEF:
DECLARATORY JUDGMENT OF INVALIDITY OF
U.S. PATENT NO. 6,996,073

20. iBAHN repeats and incorporates by reference its responses to the allegations in paragraphs 1 through 19.

21. iBAHN admits there is an immediate, real, and justiciable controversy between iBAHN and Nomadix regarding the '073 patent. To the extent paragraph 21 contains any other allegations, iBAHN denies the merits of the allegations.

22. iBAHN denies all of the allegations in paragraph 22 of Nomadix' Counterclaims.

1 23. iBAHN admits that Nomadix requests a declaratory judgment
2 that one or more claims of the '073 patent are invalid, but iBAHN denies that
3 Nomadix is entitled to such a request. To the extent that paragraph 23 contains any
4 other allegations, iBAHN denies the merits of the allegations.

5 **FIFTH CLAIM FOR RELIEF:**

6 **DECLARATORY JUDGMENT OF NONINFRINGEMENT OF**
7 **U.S. PATENT NO. 7,580,376**

8 24. iBAHN repeats and incorporates by reference its responses to
9 the allegations in paragraphs 1 through 23.

10 25. iBAHN admits the allegation in paragraph 25 of Nomadix'
11 Counterclaims.

12 26. iBAHN admits there is an immediate, real, and justiciable
13 controversy between iBAHN and Nomadix regarding U.S. Patent No. 7,580,376
14 ("the '376 patent"). To the extent paragraph 26 contains any other allegations,
15 iBAHN denies the merits of the allegations.

16 27. iBAHN denies all of the allegations in paragraph 27 of
17 Nomadix' Counterclaims.

18 28. iBAHN admits that Nomadix requests a declaratory judgment
19 that Nomadix does not infringe one or more claims of the '376 patent, but iBAHN
20 denies that Nomadix is entitled to such a request. To the extent that paragraph 28
21 contains any other allegations, iBAHN denies the merits of the allegations.

22 **SIXTH CLAIM FOR RELIEF:**

23 **DECLARATORY JUDGMENT OF INVALIDITY OF**
24 **U.S. PATENT NO. 7,580,376**

25 29. iBAHN repeats and incorporates by reference its responses to
26 the allegations in paragraphs 1 through 28.

27 30. iBAHN admits there is an immediate, real, and justiciable
28 controversy between iBAHN and Nomadix regarding the '376 patent. To the extent

1 paragraph 30 contains any other allegations, iBAHN denies the merits of the
2 allegations.

3 31. iBAHN denies all of the allegations in paragraph 31 of
4 Nomadix' Counterclaims.

5 32. iBAHN admits that Nomadix requests a declaratory judgment
6 that one or more claims of the '376 patent are invalid, but iBAHN denies that
7 Nomadix is entitled to such a request. To the extent that paragraph 32 contains any
8 other allegations, iBAHN denies the merits of the allegations.

9 **PRAYER FOR RELIEF**

10 These paragraphs set forth the statement of relief requested by
11 Nomadix to which no response is required. To the extent that the statement
12 contains any allegations, iBAHN denies the merits of the allegations. iBAHN
13 further denies that Nomadix is entitled to any of the relief it requests against
14 iBAHN.

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1 Dated: July 14, 2010

2 Respectfully submitted,

3 ORRICK, HERRINGTON & SUTCLIFFE LLP

4 _____
5 */s/ Qudus Olaniran*
Qudus B. Olaniran

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15 iBAHN Corporation

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2010, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Qudus Olaniran

Qudus B. Olaniran

Quadas B. Chalmers
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iBAHN Corporation